

Zoning Text Amendment No: 03-27
Concerning: Building height measurement
Draft No. & Date: 1 – 11/21/03
Introduced: November 25, 2003
Public Hearing: January 13, 2004; 1:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Denis

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- revising the definition of basement;
- revising the definition of cellar;
- revising the method for calculating building height; and
- adding a definition for pre-development grade.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2 “DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1 “Definitions”
ARTICLE 59-B “EXEMPTION FROM CONTROLS”
DIVISION 59-B-1 “EXEMPTIONS FROM HEIGHT CONTROLS”
Section 59-B-1.1 “Belfries, chimneys, etc.”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws
by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*

*Double underlining indicates text that is added to the text
amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

59-A-2.1. Definitions.

* * *

Basement: That portion of a building below the first floor joists which at least half of [whose] its clear ceiling height is above the [mean level of the adjacent ground.] average elevation of the finished grades along all sides of the building.

* * *

Cellar: That portion of a building below the first floor joists which at least half of [whose] its clear cellar ceiling height is below the [mean level of the adjacent ground.] average elevation of the finished grades along all sides of the building.

Height of building: [The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof; except, that if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On corner lots exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For lots extending through from street to street, the height may be measured from either curb grade.] The vertical distance measured to the highest point of a building from the average elevation of the finished grades along all sides of the building. However, for the purposes of determining building height and story, at no point must the finished grade be higher than the pre-development grade. In all cases where this ordinance provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to

the specified maximum footage and the number of stories within the specified
footage.

* * *

Pre-development grade: The natural grade that existed prior to application for a
building or demolition permit. Determination of natural grade is by examination of
the contour lines on the property as they extend to the adjoining properties and to
the street.

Sec. 3. Effective date. This ordinance becomes effective 20 days after the
date of Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council